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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,667	08/31/2001	Shuichi Kikuchi	10417-094001	1120
26211	7590	08/11/2004	EXAMINER	
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			THOMAS, TONIAE M	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/943,667	KIKUCHI ET AL.	
	Examiner	Art Unit	
	Toniae M. Thomas	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 27 May 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

See attachment.



Mary Wilczewski
Primary Examiner

Response to 312 Amendment

Claim 1 has been amended to recite the limitation “a first low concentration drain region of a second conductive type provided *adjacent to* one end of said gate electrode,” and the limitation “a high concentration source region of the second conductive type provided *adjacent to* another end of said gate electrode.” Similarly, claim 9 has been amended to recite the limitation “a first drain region provided *adjacent to* one end of said gate electrode,” and the limitation “a source region provided *adjacent to* another end of said gate electrode.”

The word adjacent means: close to, nearby, next to, adjoining. In figure 4 of the originally filed drawings, source region 10 is self-aligned with gate electrode 9. Figure 4 clearly shows the source region as being next to the gate electrode. Hence, the source region is *adjacent to* the gate electrode. This explicit definition of the term *adjacent to* is also found in the specification at page 12, lines 7-11.

While the source region 10 is *adjacent to* the gate electrode 9, the first drain region 5 is not. Figure 4 clearly shows the gate region overlapping the first drain region. In other words, the first drain region is not self-aligned with the gate electrode. Since the gate electrode overlaps the first drain region, the term *adjacent to* cannot be used to describe the structural relation of the first drain region to the gate electrode. Instead, the term *subjacent to* more accurately describes the structural relation of the first drain region to the gate

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electrode, since the first drain region is located beneath the gate electrode.

Hence, Applicant cannot claim "a first low concentration drain region of a second conductive type provided *adjacent to* one end of said gate electrode," as recited in claim 1, or "a first drain region provided *adjacent to* one end of said gate electrode," as recited in claim 9.

JMJ

03 August 2004



Mary Wilczewski
Primary Examiner